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**86519.1 CRIMINAL RECORD EXEMPTION (Continued)****86519.1**

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**HANDBOOK CONTINUES**

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- (48) Penal Code Section 667.5(c)(13) – Enhancement for violation of Penal Code Section 12308, 12309 or 12310 – Exploding or igniting or attempting to explode or ignite any destructive device or explosive with intent to commit murder.
- (49) Penal Code Section 667.5(c)(14) - Any kidnapping – Penal Code Sections 207, 208, 209, 209.5 and 210.
- (50) Penal Code Section 667.5(c)(22) - Any violation of Penal Code Section 12022.53 – Enhancement for listed felonies where use of a firearm.
- (51) Penal Code Section 667.5(c)(23) – Use of weapon of mass destruction.
- (52) Business and Professions Code Section 729 – Felony sexual exploitation by a physician, psychotherapist, counselor, etc.

\* See Health and Safety Code Section 1522(g)(1) for exception.

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- (n) The Department shall consider granting a simplified criminal record exemption only if the individual has the criminal history profile outlined in Sections 86519.1(n)(1) through (4) below:
  - (1) The individual does not have a demonstrated pattern of criminal activity;
  - (2) The individual has no more than one conviction;
  - (3) The conviction is a misdemeanor and is a crime that is nonviolent and does not pose a risk of harm to an individual; and
  - (4) It has been at least five consecutive years since the completion of the most recent period of incarceration or supervised probation.
- (o) At the Department’s discretion, an individual who is otherwise eligible for a simplified exemption may be required to go through the standard exemption process if the Department determines such action will help to protect the health and safety of children.
- (p) If the Department denies or cannot grant a criminal record exemption the Department shall:
  - (1) For initial applicants, deny the application.

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- (2) For current licensees, the Department may institute an administrative action, including, but not limited to, revocation of the license.
  - (3) For current employees, exclude the affected individual pursuant to Health and Safety Code Section 1558, deny the application or revoke the license, if the individual continues to provide services at the crisis nursery.
  - (4) For employees of the crisis nursery or the licensee, exclude the affected individual pursuant to Health and Safety Code Section 1558, deny the application or revoke the license, if the individual continues to provide services at the facility.
- (q) If a request for an exemption has been denied, the individual shall be excluded for a period of two years unless the individual has been convicted of a crime for which no exemption may be granted pursuant to Section 86519.1(m). If a request for an exemption has been denied based on a conviction of a crime for which no exemption may be granted, the individual shall be excluded for the remainder of the individual's life.
- (1) If the Department determines during the review of an exemption request, that the individual was denied an exemption for a conviction of a crime for which an exemption may be granted within the preceding two years, the Department shall cease any further review of the request until two years have elapsed from the date of the denial. In cases where the individual requested a hearing on an exemption denial, the Department shall cease review of the request for an exemption until two years from the effective date of the decision and order of the Department upholding the denial. In cases where the individual submitted a petition for reinstatement or reduction in penalty pursuant to Government Code Section 11522 that was denied, the Department shall cease review of the request for an exemption until two years from the effective date of the decision and order of the Department denying the petition.
  - (2) An exclusion order based solely upon a denied exemption shall remain in effect and the individual shall not be employed in or present in a licensed crisis nursery, unless either a petition or an exemption is granted.
  - (3) If an individual who has previously been denied an exemption re-applies after the relevant time period described in Section 86519.1(q)(1) above, the Department may, according to the provisions in Sections 86519.1 et seq., grant or deny the subsequent request for an exemption.

**86519.1 CRIMINAL RECORD EXEMPTION (Continued)****86519.1**

- (4) If an individual submits a petition pursuant to Government Code Section 11522 for reinstatement or reduction of penalty for an exclusion, an individual must submit his/her fingerprints through an electronic fingerprinting system approved by the Department and submit to the Department a statement of the reason why the individual should be permitted to work or be present in a crisis nursery, along with all information required of an individual requesting a criminal record exemption as provided in Section 86519.1. If it is determined, based upon information provided by the Department of Justice, that the individual has been convicted of a crime for which no exemption may be granted, the petition shall be denied. An individual's failure to submit fingerprints or other information as requested by the Department, shall be grounds for denial of the petition. The burden shall be on the petitioner to prove sufficient rehabilitation and good character to justify the granting of the petition.
- (r) A licensee or applicant for a crisis nursery license may request a transfer of a criminal record exemption from one state licensed facility to another by providing the following documents to the Department:
- (1) A signed Criminal Record Exemption Transfer Request, LIC 9188 (Rev. 9/03).
  - (2) A copy of the individual's:
    - (A) Driver's license, or
    - (B) Valid identification card issued by the Department of Motor Vehicles, or
    - (C) Valid photo identification issued by another state or the United States Government if the individual is not a California resident.
  - (3) Any other documentation required by the Department.
- (s) The Department may consider factors including, but not limited to, the following in determining whether or not to approve an exemption transfer:
- (1) The basis on which the Department granted the exemption;
  - (2) The nature and frequency of contact with children in the new position;
  - (3) The category of facility where the individual wishes to transfer;
  - (4) The type of clients in the facility where the individual wishes to transfer;
  - (5) Whether the exemption was appropriately evaluated and granted in accordance with existing exemption laws or regulations; or
  - (6) Whether the exemption meets current exemption laws or regulations.

**86519.1 CRIMINAL RECORD EXEMPTION (Continued)****86519.1**

- (t) If the Department denies the individual's request to transfer a criminal record exemption, the Department shall provide the individual and the licensee with written notification that states the Department's decision and informs the affected individual of their right to an administrative hearing to contest the Department's decision.
- (u) At the Department's discretion, an exemption may be rescinded if it is determined that:
  - (1) The exemption was granted in error, or
  - (2) The exemption does not meet current exemption laws or regulations, or
  - (3) The conviction for which an exemption was granted subsequently becomes non-exemptible by law.
- (v) The Department may rescind an individual's criminal record exemption if the Department obtains evidence showing that the individual engaged in conduct that is inconsistent with the good character requirement of a criminal record exemption, as evidenced by factors including, but not limited to, the following:
  - (1) Violations of licensing laws or regulations;
  - (2) Any conduct by the individual that indicates that the individual may pose a risk to the health and safety of any individual who is or may be a child;
  - (3) Nondisclosure of a conviction or evidence of lack of rehabilitation that the individual failed to disclose to the Department, even if it occurred before the exemption was issued; or
  - (4) The individual is convicted of a subsequent crime.
- (w) If the Department rescinds an exemption the Department shall:
  - (1) Notify the licensee and the affected individual in writing; and
  - (2) Initiate an administrative action.
- (x) If the Department learns that an individual with a criminal record clearance or exemption has been convicted of a subsequent crime, the Department, at its sole discretion, may immediately initiate an administrative action to protect the health and safety of children in a crisis nursery.

NOTE: Authority Cited: Section 1522 and 1530, Health and Safety Code. Reference: Sections 1516, 1522, and 1531, Health and Safety Code; and Gresher v. Anderson (2005) 127 Cal. App. 4th 88.

**86519.2 CHILD ABUSE CENTRAL INDEX****86519.2**

- (a) Prior to issuing a crisis nursery license, the Department shall conduct a Child Abuse Central Index (CACI) review pursuant to Health and Safety Code Section 1522.1 and Penal Code Section 11170(b)(3). The Department shall check the CACI for the applicant(s), and all individuals subject to a criminal record review, pursuant to Health and Safety Code Section 1522(b) and shall approve or deny a crisis nursery license, employment, residence or presence in the crisis nursery based on the results of the review.
- (1) The applicant shall submit the Child Abuse Central Index check (LIC 198A [3/99] which is incorporated by reference, for state licensed facilities and LIC 198 [2/01] which is incorporated by reference, for county licensed facilities) for all individuals required to be checked, directly to the California Department of Justice at the same time that the individual's fingerprints are submitted for a criminal background check as required by Section 86519.
- (A) Individuals who have submitted the Child Abuse Central Index check (LIC 198A) with fingerprints on or after January 1, 1999 need not submit a new check if the individual can transfer their criminal record clearance or exemption pursuant to Section 86519(e) or Section 86519.1(f).
- (2) The Department shall investigate any reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protection agency that investigated the child abuse report. The Department shall not deny a license based upon a report from the CACI unless the Department substantiates the allegation of child abuse.
- (b) Subsequent to licensure, all individuals subject to a criminal record review, pursuant to Health and Safety Code Section 1522(b), shall complete a Child Abuse Central Index check (LIC 198A), prior to employment, residence or initial presence in the crisis nursery.
- (1) The licensee shall submit the Child Abuse Central Index checks (LIC 198A), directly to the California Department of Justice at the same time that the individual's fingerprints are submitted for a criminal background check as required by Section 86519(d).

**86519.2 CHILD ABUSE CENTRAL INDEX (Continued)****86519.2**

- (A) Individuals who have submitted the Child Abuse Central Index check (LIC 198A) with fingerprints on or after January 1, 1999 need not submit a new check if the individual can transfer their criminal record clearance or exemption pursuant to Section 86519(e) or Section 86519.1(f).
- (2) The Department shall check the CACI pursuant to Penal Code Section 11170(b)(3), and shall investigate any reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. The Department shall not deny a license or take any other administrative action based upon a report from the CACI unless the Department substantiates the allegation of child abuse.
- (3) The Department shall investigate any subsequent reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. The Department shall not revoke a license or take any other administrative action based upon a report from the CACI unless the Department substantiates the allegation of child abuse.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1516, 1521, 1522, 1522.04, and 1531, Health and Safety Code.

**86520 FIRE CLEARANCE****86520**

- (a) All crisis nurseries shall secure and maintain a fire clearance approved by the city or county fire department, the district providing fire protection services, or the State Fire Marshal.
  - (1) The request for fire clearance shall be made through and maintained by the licensing agency.
- (b) The applicant shall notify the licensing agency if the facility plans to admit any of the following categories of children so that an appropriate fire clearance, approved by the city or county, fire department, the district providing fire protection services, or the State Fire Marshal, can be obtained prior to the acceptance of such children:
  - (1) Nonambulatory children, as defined in Section 86501(n)(2).

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1516, 1520, and 1531, Health and Safety Code.

**86521 WATER SUPPLY CLEARANCE****86521**

- (a) All crisis nurseries where water for human consumption is from a private source shall meet the following requirements:
- (1) As a condition of initial licensure, the applicant shall provide evidence of an on-site inspection of the source of the water and a bacteriological analysis which establishes the safety of the water, conducted by the local health department, the State Department of Health Services or a licensed commercial laboratory.
  - (2) Subsequent to initial licensure, the licensee shall provide evidence of a bacteriological analysis of the private water supply as frequently as is necessary to ensure the safety of the children, but no less frequently than specified in the following table:

<u>LICENSED CAPACITY</u>	<u>ANALYSIS REQUIRED</u>	<u>PERIODIC SUBSEQUENT ANALYSIS</u>
6 or fewer	Initial Licensing	Not required unless evidence supports the need for such analysis to protect clients.
7 through 14	Initial Licensing	Annually

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1516, 1520, and 1531, Health and Safety Code.

**86522 PLAN OF OPERATION****86522**

- (a) Each licensee shall have and maintain on file a current, written, definitive plan of operation.
- (b) The plan and related materials shall contain the following:
- (1) Statement of purposes, and program methods and goals.
  - (2) Statement of admission policies and procedures regarding acceptance of children.
  - (3) A copy of the admission agreement for county placed children.
  - (4) Administrative organization, if applicable.

**86522 PLAN OF OPERATION (Continued)**  
**86522**

- (5) Staffing plan, description of staffing pattern, qualifications and duties.
  - (A) The provision of care by the lead caregiver.
  - (B) The provision for breaks, vacations, and sick days for the lead caregiver while ensuring that another qualified lead caregiver cares for the children.
- (6) Plan for in-service education of staff.
- (7) A sketch of the building(s) to be occupied, including a floor plan which describes the capacities of the buildings for the uses intended, room dimensions, and a designation of the rooms to be used for nonambulatory children, if any
- (8) A sketch of the grounds showing buildings, driveways, fences, storage areas, pools, gardens, recreation areas and other space used by the children.
  - (A) The sketch shall include the dimensions of all areas which will be used by the children.
- (9) Sample menus and a schedule for one calendar week indicating the time of day that meals and snacks are to be served.
- (10) A statement whether or not the licensee will handle the child's personal property, and/or valuables. If personal property, and/or valuables will be handled, the method for safeguarding that shall ensure compliance with Section 86526.
- (11) Consultant and community resources to be utilized by the facility as part of its program.
- (12) A statement of the facility's policy concerning family visits and other communications with the client pursuant to Health and Safety Code Section 1512.

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Section 1512 of the Health and Safety Code provides in part:

The community care facility's policy concerning family visits and communication shall be designed to encourage regular family involvement with the resident client and shall provide ample opportunities for family participation in activities at the facility.

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**86522 PLAN OF OPERATION (Continued)**  
**86522**

- (13) Transportation arrangements for clients who do not have independent arrangements.
  - (14) Procedures for responding to complaints and emergencies on a 24-hour basis.
  - (15) The policies and procedures for family member involvement in caregiving.
  - (16) The toilet training policies and procedures.
  - (17) The plan for indoor and outdoor activities designed to meet the developmental and therapeutic needs of these children.
    - (A) This plan must include quiet and active play, rest and relaxation, eating toileting, individual attention from the lead caregiver or caregiver staff, and activities that foster the child's cognitive development.
  - (18) Description of community resources and consultants to be used by the facility.
  - (19) The policies and procedures for discipline and guidance.
  - (20) The policies and procedures to prevent disease and control infection.
  - (21) The plan shall contain all necessary steps to be taken to reduce stress to the child(ren) which may result in transfer trauma, such as admission and discharge, and changes in staffing pattern.
  - (22) The policies and procedures that ensure consistency and continuity of care to children under the age of 3 by minimizing the number of different caregivers or volunteers who would provide care and supervision to those children, including, but not limited to, developing a work schedule consistent with this policy.
- (c) If the licensee intends to admit and/or specialize in care for one or more child(ren) who has a propensity for behaviors that result in harm to self or others, the crisis nursery's plan of operation shall include a description of precautions that will be taken to protect that child and all other children.
  - (d) Any changes in the plan of operation which affect the services to children shall be subject to licensing agency approval and shall be reported as specified in Section 86561.
  - (e) The facility shall operate in accordance with the terms specified in the plan of operation and may be cited for not doing so.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1512, 1516, 1520, and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.

**86523 EMERGENCY PLAN****86523**

- (a) For crisis nurseries, the following shall apply:
- (1) The licensee shall develop and provide a current, written emergency plan.
  - (2) The emergency plan shall include emergency information, instructions and telephone numbers, including a 24-hour emergency number for the licensee and the children's responsible party.
  - (3) The licensee shall ensure that staff understand and are capable of implementing the plan.
  - (4) Emergency drills shall be conducted at least every six months.
    - (A) Completion of such drills shall not require travel away from the crisis nursery grounds or contact with local emergency agencies.
    - (B) The drills shall be documented, signed and maintained on file in the crisis nursery for at least one year.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1516, 1520, and 1531, Health and Safety Code.

**86524 WAIVERS AND EXCEPTIONS****86524**

- (a) Unless prior written licensing agency approval is received as specified in (b) below, the licensee shall maintain continuous compliance with the licensing regulations.
- (b) The licensing agency shall have the authority to waive or grant an exception to a specific regulation(s) if the request demonstrates how the intent of the regulation(s) will be met and under the following circumstances:
- (1) Such waiver or exception shall in no instance be detrimental to the health and safety of any child.
  - (2) The applicant or caregiver shall submit to the licensing agency a written request for a waiver or exception, together with substantiating evidence supporting the request.
- (c) The licensee shall retain the Department's written approval or denial of the request in its facility file.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1509, 1516, and 1531, Health and Safety Code.

**86526      SAFEGUARDS FOR PERSONAL PROPERTY AND VALUABLES      86526**

- (a) Personal property and valuables of each child shall be separate and intact.
- (b) The licensee or facility staff shall maintain accurate records of personal property, and valuables entrusted to his/her care.
- (c) When a child leaves placement in the crisis nursery, the licensee or designee shall surrender all of the child's personal property, and valuables to the child's authorized representative.
  - (1) The licensee shall obtain and retain a receipt signed by the authorized representative.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1516, 1520, and 1531, Health and Safety Code.

**86527      INITIAL APPLICATION REVIEW      86527**

- (a) Within 90 days of receipt of the application by the licensing agency, the licensing agency shall give written notice to the applicant of one of the following:
  - (1) The application is complete.
  - (2) The application is deficient, describing what documents are outstanding and/or inadequate, and informing the applicant that the information must be submitted within 30 days of the date of the notice.
- (b) If the applicant does not submit the information requested within the 30 days specified in (2) above, the application shall be deemed withdrawn provided that the licensing agency has not denied or taken action to deny the application.
  - (1) The above requirement shall not apply to facilities under construction.
- (c) The licensing agency shall cease review of any application under the conditions specified in Section 1520.3 of the Health and Safety Code.

## 86527 INITIAL APPLICATION REVIEW (Continued)

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Health and Safety Code Section 1520.3 provides:

- (a) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant previously was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.3 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall cease any further review of the application until two years shall have elapsed from the date of such revocation. The cessation of review shall not constitute a denial of the application for purposes of Section 1526 or any other provision of law.
- (b) If an application for a license or special permit indicates, or the department determines during the application review process, that the applicant had previously applied for a license under any of the chapters listed in subdivision (a) and the application was denied within the last year, the department shall cease further review of the application under either of the following circumstances as follows:
- (1) In cases where the applicant petitioned for a hearing, the department shall cease further review of the application until one year has elapsed from the effective date of the decision and order of the department upholding a denial.
  - (2) In cases where the department informed the applicant of his or her right to petition for a hearing as specified in Section 1526 and the applicant did not petition for a hearing, the department shall cease further review of the application until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.
  - (3) The department may continue to review the application if it has determined that the reasons for the denial of the application were due to circumstances and conditions which either have been corrected or are no longer in existence.
- (c) ...
- (d) The cessation of review shall not constitute a denial of the application.

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**86527 INITIAL APPLICATION REVIEW (Continued)****86527**

- (1) The circumstances and conditions in which the licensing agency may continue to review a previously denied application shall include, but are not limited to, the following:
  - (A) A fire clearance previously denied, but now approved;
  - (B) An Administrator who did not meet the minimum qualifications, but now fulfills the qualifications; or
  - (C) A person with a criminal record, which was the basis for license denial, is no longer associated with the facility.
- (2) This review shall not constitute approval of the application.
- (3) If cessation of review occurs, the application shall be returned to the applicant. It shall be the responsibility of the applicant to request resumption of review as specified in Health and Safety Code Section 1520.3.
- (4) The application processing fee shall be nonrefundable as specified in Section 86536.

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- (e) The licensing agency shall complete the following as part of the application review process:
  - (1) A site visit to the proposed facility and a determination of the qualifications of the applicant.
  - (2) A determination that the applicant has secured an appropriate fire clearance from the State Fire Marshal, if required.
  - (3) A determination that the applicant has the ability to comply with the provisions of the Community Care Facilities Act and the regulations in this division as specified in Health and Safety Code Section 1520.
  - (4) A determination that the facility complies with the provisions of the Community Care Facilities Act and the regulations in this division.

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NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1516, 1520, and 1520.3, Health and Safety Code.

**86528 CAPACITY DETERMINATION****86528**

- (a) A crisis nursery license shall be issued for a specific capacity.
  - (1) The maximum licensed capacity for a crisis nursery shall be 14.
  - (2) Any facility licensed on or before January 1, 2004, as a group home for children under the age of six years with a licensed capacity of greater than 14, but less than 21, that provides crisis nursery services, shall be allowed to retain its capacity if issued a crisis nursery license until the time there is a change in the licensee's program, location, or client population.
- (b) The number of children for whom the crisis nursery is licensed to provide care and supervision shall be determined on the basis of the application review by the licensing agency, which shall take into consideration the following:
  - (1) The fire clearance specified in Section 86520.
  - (2) The licensee's/administrator's ability to comply with applicable law and regulation.
  - (3) Physical features of the facility, including available living space, which are necessary in order to comply with regulations.
  - (4) Number of available staff to meet the care and supervision needs of the clients.
  - (5) Any restrictions pertaining to the crisis nursery.
- (c) The licensing agency shall be authorized to issue a license for fewer children than is requested based upon determinations made pursuant to Section 86528(b), above.
- (d) When the license is issued for fewer clients than requested, the licensee shall be notified in writing of the reasons for the limitation and of the licensee's rights to appeal the decision as specified in Section 86540.
- (e) The licensing agency shall have the authority to decrease existing licensed capacity with the licensee's agreement, when there is a change in any of the factors specified in (b) above.
  - (1) If the licensee does not agree to the decrease in capacity, the licensing agency shall have the authority to initiate revocation action as specified in Section 86542.
- (f) County placements shall be limited to no more than one-third of a crisis nursery's licensed capacity.
  - (1) One-third of a crisis nursery capacity for the purpose of accepting county placements shall be interpreted as follows:

<b>86528</b>	<b>CAPACITY DETERMINATION (Continued)</b>	<b>86528</b>
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Crisis Nursery Licensed Capacity	Allowable County Placements
1 - 2	0
3 - 5	1
6 - 8	2
9 - 11	3
12 - 14	4

- (2) The length of stay for a county placed child shall not exceed 14 days unless the Department issues an exception.
- (3) A county placed child receiving child day care services shall be counted in the capacity limitation as specified in Section 86528(f).

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1516, and 1531, Health and Safety Code.

<b>86529</b>	<b>WITHDRAWAL OF AN APPLICATION</b>	<b>86529</b>
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- (a) An applicant shall have the right to withdraw an application.
- (1) Such withdrawal shall be in writing.

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Health and Safety Code Section 1553 states in part:

"The withdrawal of an application...shall not, unless the state department consents in writing to such withdrawal, deprive the state department of its authority to institute or continue a proceeding against the applicant for the denial of the license...upon any ground provided by law or to enter an order denying the license...upon any such ground."

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- (2) The fee for processing the application shall be forfeited.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1516, 1520, 1523.1, and 1553, Health and Safety Code.

**86531 ISSUANCE OF A LICENSE****86531**

- (a) Within 90 days of the date that a completed application, as defined in Section 86501(c)(11), has been received, the licensing agency shall give written notice to the applicant of one of the following:
  - (1) The application has been approved.
  - (2) The application has been denied.
    - (A) The notice of denial shall include the information specified in Section 86540.
- (b) The licensing agency shall notify the applicant, in writing, of the issuance of the provisional license.
  - (1) Issuance of the license itself shall constitute written notification of approval.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1509, 1516, 1520, 1520.5, 1525, 1526, and 1553, Health and Safety Code.

**86531.1 ISSUANCE OF A PROVISIONAL LICENSE****86531.1**

- (a) All crisis nursery license applicants who complete an application and who meet the regulatory and statutory requirements shall receive a provisional license for the first 12 months. After eight months of operation, the licensing agency shall conduct a comprehensive review of the crisis nursery for compliance with all applicable laws and regulations and shall assist the applicant to develop a plan of correction, when necessary.
  - (1) Before the first business day of the thirteenth month of operation, if the department determines that the crisis nursery is in substantial compliance with licensing standards, the Department shall issue a permanent crisis nursery license except as provided in Section 86531.1(b).
- (b) If the Department determines that the crisis nursery is in substantial compliance with licensing standards, the Department may extend the provisional license for up to an additional six months if the crisis nursery requires additional time to be in full compliance with licensing standards.
- (c) By no later than the first business day of the seventeenth month of operation, the Department shall conduct an additional review of a crisis nursery for which the provisional license is extended pursuant to Section 86531.1(b), to determine whether a permanent license should be issued.



**86531.1 ISSUANCE OF A PROVISIONAL LICENSE (Continued)****86531.1**

- (d) Under the following conditions, a crisis nursery licensee with a permanent license may apply for a provisional license:
- (1) A temporary change in facility location of not more than six months due to unforeseen circumstances beyond the control of the license (i.e. flood, earthquake, etc).
  - (A) The licensing agency shall have the authority to authorize a temporary facility change following a licensing agency review, a finding of substantial compliance with licensing standards, and the securing of an appropriate fire clearance.
- (e) If, during the provisional license period, the licensing agency discovers any serious deficiencies, the Department shall have the authority to institute administrative action, or civil proceedings, or to refer the case for criminal prosecution. As one of the options under the administrative action process, the Department may deny a crisis nursery license application at any time during the term of the provisional license to protect the health and safety of clients.
- If the Department denies the application, the crisis nursery shall cease operation immediately. Continued operation of the crisis nursery after the Department denies the application or after the provisional license expires shall constitute unlicensed operation.
- (f) A provisional license shall not be renewable and shall terminate on the date specified on the license or upon denial of the application, whichever is earlier.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1516, 1520, 1524, 1525.5, and 1531, Health and Safety Code.

**86531.2 ISSUANCE OF A PERMANENT LICENSE****86531.2**

- (a) Before the first business day of the thirteenth month (up to nineteen months, if an extension was granted in accordance with Section 86531.1(b) after the effective date of the provisional license, as defined in Section 86531.1, the licensing agency shall give written notice to the crisis nursery applicant of one of the following:
- (1) A permanent license has been approved.
  - (2) The permanent license has been denied for the applicant.
  - (A) The notice of denial shall include the information specified in Section 86540.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1509, 1516, 1520, 1520.5, 1525, 1525.5, and 1526, Health and Safety Code.

**86534 SUBMISSION OF A NEW APPLICATION****86534**

- (a) A licensee shall file a new application as required by Section 86518 whenever there is a change in conditions or limitations described on the current license, or other changes including but not limited to the following:
- (1) Any change in the location of the crisis nursery.
  - (2) Any change of licensee, including but not limited to the following:
    - (A) Separating from a parent company.
    - (B) Merger with another company.
  - (3) Any change in facility category.
  - (4) Any increase in capacity.
  - (5) A permanent change in any client from ambulatory to nonambulatory status.
- (b) A new application as required by Section 86518 shall be filed whenever an applicant fails to complete a new application within the time limit required by Section 86527(a) if the applicant chooses to continue the application process.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1520, 1523.1, and 1531, Health and Safety Code.

**86535 CONDITIONS FOR FORFEITURE OF A CRISIS NURSERY LICENSE****86535**

- (a) Conditions for forfeiture of a crisis nursery license may be found in Section 1524 of the Health and Safety Code.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1524 states in part:

"A license shall be forfeited by operation of law prior to its expiration date when one of the following occurs:

- (a) The licensee sells or otherwise transfers the facility or facility property, except when change of ownership applies to transferring of stock when the facility is owned by a corporation, and when such transfer of stock does not constitute a majority change of ownership.

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**HANDBOOK CONTINUES**

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**86535 CONDITIONS FOR FORFEITURE OF A CRISIS NURSERY  
LICENSE (Continued)**

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**86535**

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**HANDBOOK CONTINUES**

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- (b) The licensee surrenders the license to the department.
- (c) The licensee moves a facility from one location to another. The department shall develop regulations to ensure that the facilities are not charged a full licensing fee and do not have to complete the entire application process when applying for a license for the new location.
- (d) The licensee is convicted of an offense specified in Section 220.243.4 or 264.1, or paragraph (1) of Section 273a, Section 273d, 288, or 289 of the Penal Code, or is convicted of another crime specified in subdivision (c) of Section 667.5 of the Penal Code.
- (e) (Continued)
- (f) The licensee abandons the facility."
- (g) (Continued)

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**HANDBOOK ENDS HERE**

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- (1) "Licensee abandons the crisis nursery" shall mean either of the following:
  - (A) The licensee informs the licensing agency that the licensee no longer accepts responsibility for the facility, or
  - (B) The licensing agency is unable to determine the licensee's whereabouts after the following:
    - 1. The licensing agency requests information of the licensee's whereabouts from the facility's staff if any staff can be contacted; and
    - 2. The licensing agency has made at least one (1) phone call per day, to the licensee's last telephone number of record, for five (5) consecutive workdays with no response; and
    - 3. The licensing agency has sent a certified letter, requesting the licensee to contact the licensing agency, to the licensee's last mailing address of record with no response within seven (7) calendar days.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1516, 1524, and 1524(e), Health and Safety Code.

**86536 APPLICATION PROCESSING AND ANNUAL LICENSING FEES****86536**

- (a) The Department shall charge applicants and licensees fees in accordance with Health and Safety Code Section 1523.1.

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Health and Safety Code Section 1523.1 states as follows:

An application fee adjusted by facility and capacity shall be charged by the department for the issuance of a license. After initial licensure, a fee shall be charged by the department annually on each anniversary of the effective date of the license. The fees are for the purpose of financing the activities specified in this chapter. Fees shall be assessed as follows:

Fee Schedule

Initial

Facility Type	Capacity	Application	Annual
Crisis Nurseries	1-3	\$375	\$375
	4-6	\$750	\$375
	7-14	\$1,126	\$563

- (b) (1) In addition to fees set forth in subdivision (a), the Department shall charge the following fees:
- (A) A fee that represents 50 percent of an established application fee when an existing licensee moves the facility to a new physical address.
  - (B) A fee that represents 50 percent of the established application fee when a corporate licensee changes who has the authority to select a majority of the board of directors.
  - (C) A fee of twenty-five dollars (\$25) when an existing licensee seeks to either increase or decrease the licensed capacity of the facility.
  - (D) An orientation fee of fifty dollars (\$50) for attendance by any individual at a department-sponsored orientation session.

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**HANDBOOK CONTINUES**

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**86536****APPLICATION PROCESSING AND ANNUAL LICENSING FEES**  
(Continued)**86536**

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**HANDBOOK CONTINUES**

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- (E) A probation monitoring fee equal to the annual fee, in addition to the annual fee for that category and capacity for each year a license has been placed on probation as a result of a stipulation or decision and order pursuant to the administrative adjudication procedures of the Administrative Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).
- (F) A late fee that represents an additional 50 percent of the established annual fee when any licensee fails to pay the annual licensing fee on or before the due date as indicated by postmark on the payment.
- (G) A fee to cover any costs incurred by the department for processing payments including, but not limited to, bounced check charges, charges for credit and debit transactions, and postage due charges.
- (H) A plan of correction fee of two hundred dollars (\$200) when any licensee does not implement a plan of correction on or prior to the date specified in the plan.
- (2) No local jurisdiction shall impose any business license, fee, or tax for the privilege of operating a facility licensed under this chapter which serves six or fewer persons.
- (c) (1) The revenues collected from licensing fees pursuant to this section shall be utilized by the department for the purpose of ensuring the health and safety of all individuals provided care and supervision by licensees and to support activities of the licensing program, including, but not limited to, monitoring facilities for compliance with licensing laws and regulations pursuant to this chapter, and other administrative activities in support of the licensing program, when appropriated for these purposes. The revenues collected shall be used in addition to any other funds appropriated in the Budget Act in support of the licensing program.
- (2) The Department shall not utilize any portion of these revenues sooner than 30 days after notification in writing of the purpose and use of this revenue, as approved by the Director of Finance, to the Chairperson of the Joint Legislative Budget Committee, and the chairpersons of the committee in each house that considers appropriations for each fiscal year. The Department shall submit a budget change proposal to justify any positions or any other related support costs on an ongoing basis.
- (d) A facility may use a bona fide business check to pay the license fee required under this section.
- (e) The failure of an applicant or licensee to pay all applicable and accrued fees and civil penalties shall constitute grounds for denial or forfeiture of a license.

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**HANDBOOK ENDS HERE**

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**86536 APPLICATION PROCESSING AND ANNUAL LICENSING FEES**  
(Continued)**86536**

- (b) The application annual-processing fee shall be nonrefundable except as provided in Government Code Section 13143.

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**HANDBOOK BEGINS HERE**

Government Code Section 13143 states in pertinent part:

Whenever any law which provides for fees or payments to a state agency does not authorize, as provided in this article, the refund of erroneous or excessive payments thereof, refunds may be made by the state agency which collected the fee or payment of any or all amounts received by the state agency in consequence of error, either of fact or of law, as to:

- (a) The proper amount of such fee or payment.
- (b) The necessity of making such payment or making or securing a permit, filing, examination, or inspection.
- (c) The sufficiency of the credentials of the applicant.
- (d) The eligibility of an applicant for any other reason.

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**HANDBOOK ENDS HERE**

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1516, 1523.1, and 1524, Health and Safety Code; and Section 13143, Government Code.

**Article 4. ADMINISTRATIVE ACTIONS****86540 DENIAL OF A LICENSE****86540**

- (a) Except as specified in Section 86531.1, which provides for issuance of a provisional license based upon substantial compliance, the licensing agency shall deny an application for an initial license if it is determined that the applicant is not in compliance with applicable law and regulation.
- (1) The licensing agency shall have the authority to deny an application for an initial license if the applicant has failed to pay any civil penalty assessments pursuant to Section 86558 and in accordance with a final judgment issued by a court of competent jurisdiction, unless payment arrangements acceptable to the licensing agency have been made.
- (2) An application for licensure shall be denied as specified in Health and Safety Code Sections 1520.11(b), (d) and 1550.

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Health and Safety Code Section 1520.11(b) states:

"(b) The department shall not issue a provisional license or license to any corporate applicant that has a member of the board of directors, an executive director, or an officer, who is not eligible for licensure pursuant to Section 1520.3 or Section 1558.1." (Continued)

Health and Safety Code Section 1520.11(d) states:

"(d) "Prior to instituting administrative action pursuant to either subdivision (b) or (c), the department shall notify the applicant or licensee of the person's ineligibility to be a member of the board of directors, an executive director, or an officer of the applicant or licensee. The licensee shall remove the person from that position within 15 days or, if the person has client contact, he or she shall be removed immediately upon notification." (Continued)

Health and Safety Code Section 1550 states:

"The department may deny an application for, or suspend or revoke, any licensee, or any administrator certificate, issued under this chapter upon any of the following grounds and in the manner provided in this chapter:

- (a) Violation by the licensee or holder of a special permit of this chapter or of the rules and regulations promulgated under this chapter.

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**HANDBOOK CONTINUES**

**86540 DENIAL OF A LICENSE (Continued)****86540**

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**HANDBOOK CONTINUES**

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- (b) Aiding, abetting, or permitting the violation of this chapter or of the rules and regulations promulgated under this chapter.
- (c) Conduct which is inimical to the health, morals, welfare, or safety of either an individual in, or receiving services from, the facility or the people of the State of California.
- (d) The conviction of a licensee, or other person mentioned in Section 1522, at any time before or during licensure, of a crime as defined in Section 1522.
- (e) The licensee of any facility or the person providing direct care or supervision knowingly allows any child to have illegal drugs or alcohol.
- (f) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services."

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**HANDBOOK ENDS HERE**

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- (b) If the application for an initial license is denied, the licensing agency shall mail the applicant a written notice of denial.
  - (1) The notification shall inform the applicant of and set forth the reasons for the denial, and shall advise the applicant of the right to appeal.
- (c) If the application for an initial license is denied, the application processing fee shall be forfeited.
- (d) An applicant shall have the right to appeal the denial of the application pursuant to Health and Safety Code Section 1526.



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**86540 DENIAL OF A LICENSE (Continued)****86540**

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Health and Safety Code Section 1526 provides in part:

"Immediately upon the denial of any application for a license or for a special permit, the licensing agency shall notify the applicant in writing. Within 15 days after the licensing agency mails the notice, the applicant may present his/her written petition for a hearing to the licensing agency. Upon receipt by the licensing agency of the petition in proper form, such petition shall be set for hearing. The proceedings shall be conducted in accordance with Chapter 5 commencing with Section 11500 of Part 1 of Division 3 of Title 2 of the Government Code."

Health and Safety Code Section 1551(a) provides in part:

"(a) Proceedings for the suspension, revocation, or denial of a license under this chapter shall be conducted in accordance with the provisions of Chapter 5 commencing with Section 11500 of Part 1 of Division 3 of Title 2 of the Government Code."

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**HANDBOOK ENDS HERE**

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- (e) Notwithstanding any appeal action, the facility is unlicensed and shall not operate pending adoption by the director of a decision on the denial action.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1516, 1520, 1520.11, 1525, 1526, 1547, and 1548, Health and Safety Code.

**86542 REVOCATION OR SUSPENSION OF A LICENSE****86542**

- (a) The Department shall have the authority to suspend or revoke a crisis nursery license on any of the grounds specified in Health and Safety Code Sections 1550 and 1550.5.

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Health and Safety Code Section 1550 specifies the following grounds:

"The department may deny an application for, or suspend or revoke any license, or any administrator certificate, issued under this chapter upon any of the following grounds and in the manner provided in this chapter:

- (a) Violation by the licensee, or holder of a special permit of this chapter or of the rules and regulations promulgated under this chapter.
- (b) Aiding, abetting, or permitting the violation of this chapter or of the rules and regulations promulgated under this chapter.
- (c) Conduct which is inimical to the health, morals, welfare, or safety of either an individual in, or receiving services from, the facility or the people of the State of California.
- (d) The conviction of a licensee, or other person mentioned in Section 1522, at any time before or during licensure, of a crime as defined in Section 1522.
- (e) The licensee of any facility or the person providing direct care or supervision knowingly allows any child to have illegal drugs or alcohol.
- (f) Engaging in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services."

Health and Safety Code Section 1550.5 provides in pertinent part:

"The director may temporarily suspend any license prior to any hearing when, in the opinion of the director, the action is urgent to protect residents or clients of the facility from physical or mental abuse, abandonment, or any other substantial threat to health or safety. The director shall serve the licensee with the temporary suspension order, a copy of available discovery and other relevant evidence in the possession of the department, including, but not limited to, affidavits, declarations, and any other evidence upon which the director relied in issuing the temporary suspension order, the names of the department's witnesses, and the effective date of the temporary suspension and at the same time shall serve the licensee with an accusation.

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**HANDBOOK CONTINUES**

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**86542 REVOCATION OR SUSPENSION OF A LICENSE (Continued)****86542**

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**HANDBOOK CONTINUES**

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(b) Upon receipt of a notice of defense to the accusation by the licensee, the director shall, within 15 days, set the matter for a full evidentiary hearing, and the hearing shall be held as soon as possible but not later than 30 days after receipt of such notice. The temporary suspension shall remain in effect until the time the hearing is completed and the director has made a final determination on the merits, unless it is earlier vacated by interim decision of the administrative law judge or a superior court judge. However, the temporary suspension shall be deemed vacated if the director fails to make a final determination on the merits within 30 days after the original hearing has been completed."

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- (b) Proceedings to hear a revocation action or a revocation and temporary suspension action shall be conducted pursuant to the provisions of Health and Safety Code Section 1551.

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Health and Safety Code Section 1551 provides in part:

"Proceedings for the suspension, revocation, or denial of a license under this chapter shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code...."

Chapter 5 commencing with Section 11500 of Part 1, Division 3, Title 2 of the Government Code provides in part:

"(A) When the Director intends to seek revocation of a license, he/she shall notify the licensee of the proposed action; shall concurrently serve the licensee with an accusation; and advise the licensee of the right to a hearing.

(B) The licensee has the right to a hearing prior to the revocation or suspension of a license, except as provided below:

- (1) The Director may temporarily suspend any license prior to hearing when in his/her opinion such action is necessary to protect the clients in the facility from any physical or mental abuse or any other substantial threat to health or safety.

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**HANDBOOK CONTINUES**

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**86542 REVOCATION OR SUSPENSION OF A LICENSE (Continued)****86542**

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**HANDBOOK CONTINUES**

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(2) When the Director intends to temporarily suspend a license prior to a hearing, he/she shall notify the licensee of the temporary suspension and the effective date thereof, and concurrently serve the licensee with an accusation.

(C) The licensee shall apply for a hearing under (B) above by sending a written notice of defense to the Director within 15 calendar days of the mailing date of the revocation or suspension notice.

(D) The Director shall, within 15 days of receipt of the notice of defense, request the Office of Administrative Hearings to set the matter for hearing."

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**HANDBOOK ENDS HERE**

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- (c) For a revocation and temporary suspension action, the Director shall request the Office of Administrative Hearings to hold the hearing as soon as possible but not later than 30 calendar days after receipt of the notice of defense.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1516, 1550, 1550.5, and 1551, Health and Safety Code.

**86544 INSPECTION AUTHORITY OF THE LICENSING AGENCY****86544**

- (a) The licensing agency shall have the inspection authority specified in Health and Safety Code Sections 1526.5, 1533, 1534 and 1538.

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Health and Safety Code Section 1526.5(a) states in part:

"(a) Within 90 days after the date of issuance of a license or special permit pursuant to Section 1525, the Department shall conduct an inspection of the facility for which the license or special permit was issued."

Health and Safety Code Section 1533 states in part:

"...[A]ny duly authorized officer, employee, or agent of the State Department of Social Services may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter."

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**HANDBOOK CONTINUES**

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**86544****INSPECTION AUTHORITY OF THE LICENSING AGENCY  
(Continued)****86544**

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**HANDBOOK CONTINUES**

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Health and Safety Code Section 1534 states in part:

(a) Every licensed community care facility shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.

Health and Safety Code Section 1538 states in part:

(a) Any person may request an inspection of any community care facility... in accordance with this chapter by transmitting to the state department notice of an alleged violation of applicable requirements prescribed by statutes or regulations of this state, including, but not limited to, a denial of access of any person authorized to enter the facility pursuant to Section 9701 of the Welfare and Institutions Code. A complaint may be made either orally or in writing.

(b) The substance of the complaint shall be provided to the licensee... no earlier than at the time of the inspection. Unless the complainant specifically requests otherwise, neither the substance of the complaint provided the licensee... nor any copy of the complaint or any record published, released, or otherwise made available to the licensee... shall disclose the name of any person mentioned in the complaint except the name of any duly authorized officer, employee, or agent of the state department conducting the investigation or inspection pursuant to this chapter.

(c) Upon receipt of a complaint, other than a complaint alleging denial of a statutory right of access to a community care facility, the state department shall make a preliminary review and, unless the state department determines that the complaint is willfully intended to harass a licensee or is without any reasonable basis, it shall make an onsite inspection... within 10 days after receiving the complaint, except where a visit would adversely affect the licensing investigation or the investigation of other agencies. In either event, the complainant shall be promptly informed of the state department's proposed course of action.

(d) Upon receipt of a complaint alleging denial of a statutory right of access to a community care facility..., the state department shall review the complaint. The complainant shall be notified promptly of the state department's proposed course of action.

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**HANDBOOK ENDS HERE**

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**86544****INSPECTION AUTHORITY OF THE LICENSING AGENCY**  
(Continued)**86544**

- (b) The Department shall have the authority to interview children, or staff, and to inspect and audit child(ren) or crisis nursery records without prior consent.
  - (1) The licensee shall make provisions for private interviews with any children, or any staff member; and for the examination of all records relating to the operation of the crisis nursery.
- (c) The Department shall have the authority to observe the physical condition of the children, including conditions which could indicate abuse, neglect, or inappropriate placement, and to have a licensed medical professional physically examine the child(ren).

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1516, 1526.5, 1531, 1533, 1534, and 1538, Health and Safety Code.

**86545 EVALUATION VISITS****86545**

- (a) Crisis Nurseries shall be evaluated as specified in Health and Safety Code Sections 1534 and 1548.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1534 states in part:

- (1) Every licensed community care facility shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided.
- (2) The state department shall notify the community care facility in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility.
- (3) Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the state department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection in the county in which the facility is located.

Health and Safety Code Section 1548 states in part:

- "(a) In addition to suspension or revocation of a license issued under this chapter, the department may levy a civil penalty in addition to the penalties of suspension or revocation.
- (b) The amount of the civil penalty shall not be less than twenty-five dollars (\$25) or more than fifty dollars (\$50) per day for each violation of this chapter except where the nature or seriousness of the violation or the frequency of the violation warrants a higher penalty or an immediate civil penalty assessment, or both, as determined by the department. In no event, shall a civil penalty assessment exceed one hundred fifty dollars (\$150) per day."

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**HANDBOOK ENDS HERE**

- (b) The licensing agency shall have the authority to make any number of other visits to a crisis nursery in order to determine compliance with applicable law and regulation.
- (c) Any duly authorized officer, employee, or agent of the Department may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1516, 1533, 1534, 1538, and 1548, Health and Safety Code.

**86546 EXCLUSIONS****86546**

- (a) An individual can be prohibited from serving as a member of a board of directors, executive director, or officer; from being employed or allowing an individual in a licensed facility as specified in Health and Safety Code Sections 1558 and 1558.1.

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**HANDBOOK BEGINS HERE**

Health and Safety Code Section 1558 reads:

"(a) The department may prohibit any person from being a member of the board of directors, an executive director, or an officer of a licensee, or a licensee from employing, or continuing the employment of, or allowing in a licensed facility, or allowing contact with clients of a licensed facility by, any employee, prospective employee, or person who is not a client who has:

- (1) Violated, or aided or permitted the violation by any other person of, any provisions of this chapter or of any rules or regulations promulgated under this chapter.
- (2) Engaged in conduct which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility, or the people of the State of California.
- (3) Been denied an exemption to work or to be present in a facility, when that person has been convicted of a crime as defined in Section 1522.
- (4) Engaged in any other conduct which would constitute a basis for disciplining a licensee.
- (5) Engaged in acts of financial malfeasance concerning the operation of a facility, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services."

"(b) The excluded person, the facility, and the licensee shall be given written notice of the basis of the department's action and of the excluded person's right to an appeal. The notice shall be served either by personal service or by registered mail. Within 15 days after the department serves the notice, the excluded person may file with the department a written appeal of the exclusion order. If the excluded person fails to file a written appeal within the prescribed time, the department's action shall be final."

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**HANDBOOK CONTINUES**



**86546 EXCLUSIONS (Continued)****86546**

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**HANDBOOK CONTINUES**

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"(c) (1) The department may require the immediate removal of a member of the board of directors, an executive director, or an officer of a licensee or exclusion of an employee, prospective employee, or person who is not a client from a facility pending a final decision of the matter, when, in the opinion of the director, the action is necessary to protect residents or clients from physical or mental abuse, abandonment, or any other substantial threat to their health or safety.

(2) If the department requires the immediate removal of a member of the board of directors, an executive director, or an officer of a licensee or exclusion of an employee, prospective employee, or person who is not a client from a facility, the department shall serve an order of immediate exclusion upon the excluded person which shall notify the excluded person of the basis of the department's action and of the excluded person's right to a hearing.

(3) Within 15 days after the department serves an order of immediate exclusion, the excluded person may file a written appeal of the exclusion with the department. The department's action shall be final if the excluded person does not appeal the exclusion within the prescribed time. The department shall do the following upon receipt of a written appeal:

(A) Within 30 days of receipt of the appeal, serve an accusation upon the excluded person.

(B) Within 60 days of receipt of a notice of defense pursuant to Section 11506 of the Government Code by the excluded person to conduct a hearing on the accusation.

(4) An order of immediate exclusion of the excluded person from the facility shall remain in effect until the hearing is completed and the director has made a final determination on the merits. However, the order of immediate exclusion shall be deemed vacated if the director fails to make a final determination on the merits within 60 days after the original hearing has been completed."

"(d) An excluded person who files a written appeal with the department pursuant to this section shall, as part of the written request, provide his or her current mailing address. The excluded person shall subsequently notify the department in writing of any change in mailing address, until the hearing process has been completed or terminated.

"(e) Hearings held pursuant to this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code. The standard of proof shall be the preponderance of the evidence and the burden of proof shall be on the department."

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**HANDBOOK CONTINUES**

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## 86546 EXCLUSIONS (Continued)

86546

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**HANDBOOK CONTINUES**

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"(f) The department may institute or continue a disciplinary proceeding against a member of the board of directors, an executive director, or an officer of a licensee or an employee, prospective employee, or person who is not a client upon any ground provided by this section, or enter an order prohibiting any person from being a member of the board of directors, an executive director, or an officer of a licensee or the excluded person's employment or presence in the facility or otherwise take disciplinary action against the excluded person, notwithstanding any resignation, withdrawal of employment application, or change of duties by the excluded person, or any discharge, failure to hire, or reassignment of the excluded person by the licensee or that the excluded person no longer has contact with clients at the facility."

"(g) A licensee's failure to comply with the department's exclusion order after being notified of the order shall be grounds for disciplining the licensee pursuant to Section 1550."

"(h) (1) (A) In cases where the excluded person appealed the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the decision and order.

(2) (A) In cases where the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order."

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**HANDBOOK CONTINUES**

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Health and Safety Code Section 1558.1 reads:

"(a) (1) If the department determines that a person was issued a license under this chapter or under Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.2 (commencing with Section 1569), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) and the prior license was revoked within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to the chapter.

(2) If the department determines that a person previously was issued a certificate of approval by a foster family agency which was revoked by the department pursuant to subdivision (b) of Section 1534 within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter."

"(b) If the department determines that the person had previously applied for a license under any of the chapters listed in paragraph (1) of subdivision (a) and the application was denied within the last year, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing."

"(c) If the department determines that the person had previously applied for a certificate of approval with a foster family agency and the department ordered the foster family agency to deny the application pursuant to subdivision (b) of Section 1534, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

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(1) In cases where the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases where the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing."

"(d) Exclusion or removal of an individual pursuant to this section shall not be considered an order of exclusion for purposes of Section 1558 or any other law."

"(e) The department may determine not to exclude the person from, or remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter if it has determined that the reasons for the denial of the application or revocation of the facility license or certificate of approval were due to circumstances and conditions that either have been corrected or are no longer in existence."

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1516, 1558, and 1558.1, Health and Safety Code.

**Article 5. ENFORCEMENT PROVISIONS****86552 DEFICIENCIES IN COMPLIANCE****86552**

- (a) When a licensing evaluation is conducted and the evaluator determines that a deficiency exists the evaluator shall issue a notice of deficiency, unless the deficiency is not serious and is corrected during the visit.
- (b) Prior to completion of an evaluation or other licensing visit, the licensee, administrator, or other person in charge of the crisis nursery shall meet with the evaluator to discuss any deficiencies noted, to jointly develop a plan for correcting each deficiency, and to acknowledge receipt of the notice of deficiency.
- (c) The evaluator shall provide notice of deficiency to the licensee by one of the following:
  - (1) Personal delivery to the licensee, at the completion of the visit.
  - (2) If the licensee is not at the crisis nursery site, leaving the notice with the person in charge of the crisis nursery at the completion of the visit.
    - (A) Under such circumstances, a copy of the notice shall also be mailed to the licensee.
  - (3) If the licensee or the person in charge of the crisis nursery refuses to accept the notice, a notation of the refusal shall be written on the notice and a copy left at the facility.
    - (A) Under such circumstances, a copy of the notice shall also be mailed to the licensee.
- (d) The notice of deficiency shall be in writing and shall include the following:
  - (1) Citation of the statute or regulation which has been violated.
  - (2) A description of the nature of the deficiency stating the manner in which the licensee failed to comply with a specified statute or regulation, and the particular place or area of the crisis nursery in which it occurred.
  - (3) The plan developed, as specified in (b) above, for correcting each deficiency.
  - (4) A date by which each deficiency shall be corrected.
    - (A) In determining the date for correcting a deficiency, the evaluator shall consider the following factors:
      - 1. The potential hazard presented by the deficiency.

**86552 DEFICIENCIES IN COMPLIANCE (Continued)****86552**

2. The number of clients affected.
  3. The availability of equipment or personnel necessary to correct the deficiency.
  4. The estimated time necessary for delivery, and for any installation, of necessary equipment.
- (B) The date for correcting a deficiency shall not be more than 30 calendar days following service of the notice of deficiency, unless the evaluator determines that the deficiency cannot be completely corrected in 30 calendar days.
- (C) If the date for correcting the deficiency is more than 30 calendar days following service of the notice of deficiency, the notice shall specify the corrective actions which must be taken within 30 calendar days to begin correction.
- (D) The evaluator shall require correction of the deficiency within 24 hours and shall specify on the notice the date by which the correction must be made whenever penalties are assessed pursuant to Sections 86554(e), (f) and (g).
- (5) The amount of penalty being assessed and the date the penalty begins.
- (6) The address and telephone number of the licensing office responsible for reviewing notices of deficiencies for the area in which the crisis nursery is located.
- (e) The following are examples of regulations that, if not complied with, nearly always result in a serious deficiency.
- (1) Section 86510 relating to limitations on capacity or ambulatory status of children in crisis nurseries.
  - (2) Section 86519 relating to criminal record clearance.
  - (3) Section 86520 relating to fire clearance.
  - (4) Section 86521 relating to water supply.
  - (5) Section 86572 relating to personal rights.
  - (7) Section 86575 relating to storing and dispensing medications.
  - (8) Section 86576 relating to food storage, preparation and service.
  - (9) Section 86587 relating to safety of child(ren) accommodations.

**86552      DEFICIENCIES IN COMPLIANCE (Continued)      86552**

- (10) Section 86588 relating to hot water temperature, toilet facilities, storage, and disposal of solid wastes.
- (11) Any other regulation, the violation of which is deemed by the licensing agency to constitute a serious deficiency as defined in Section 86501(s)(1).
- (f) Failure to operate according to the plan of operation, as specified in Section 84222, may result in a citation for a serious deficiency.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1507, 1531, 1534, and 1548, Health and Safety Code.

**86553      FOLLOW-UP VISITS TO DETERMINE COMPLIANCE      86553**

- (a) A follow-up visit shall be conducted to determine compliance with the plan of correction specified in the notice of deficiency.
  - (1) At a minimum, a follow-up visit shall be conducted within ten working days following the dates of corrections specified in the notice of deficiency, unless the licensee has demonstrated that the deficiency was corrected as required.
  - (2) No penalty shall be assessed unless a follow-up visit is conducted as specified in (a) and (a)(1) above.
- (b) If a follow-up visit indicates that a deficiency was not corrected on or before the date specified in the notice of deficiency, the evaluator shall issue a notice of penalty.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1516, 1533, 1534, and 1548, Health and Safety Code.

**86554 PENALTIES****86554**

- (a) A notice of penalty shall be in writing and shall include:
  - (1) The amount of penalty assessed, and the date the payment is due.
  - (2) The name and address of the agency responsible for collection of the penalty.
- (b) A penalty of \$50 per day, per cited violation, shall be assessed for serious deficiencies that are not corrected by the date specified in the notice of deficiency, up to a maximum of \$150 per day.
- (c) Notwithstanding Section 86554(b) above, an immediate penalty of \$100 per cited violation per day for a maximum of five (5) days shall be assessed if any individual required to be fingerprinted under Health and Safety Code Section 1522(b) has not obtained a California clearance or a criminal record exemption, requested a transfer of a criminal record clearance or requested and be approved for a transfer of an exemption as specified in Section 86519(e) prior to working, residing, or volunteering in the crisis nursery.
  - (1) Subsequent violations within a twelve (12) month period shall result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.
    - (A) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1522.
    - (B) Progressive civil penalties specified in Sections 86554(f) and (g) below shall not apply.
- (d) Notwithstanding Section 86554(b) above, an immediate penalty of \$150 per day shall be assessed for any of the following:
  - (1) Sickness, injury or death of a client has occurred as a result of the deficiency.
- (e) When a crisis nursery is cited for a deficiency and violates the same regulation subsection within a 12-month period, the crisis nursery shall be cited and an immediate penalty assessment of \$150 per cited violation shall be assessed for one day only. Thereafter a penalty of \$50 per day, per cited violation, shall be assessed until the deficiency is corrected.
- (f) When a crisis nursery, that was cited for a deficiency subject to the immediate penalty assessment in Section 86554(f) above, violates the same regulation subsection within a 12-month period of the last violation, the crisis nursery shall be cited and an immediate penalty of \$150 per cited violation shall be assessed for one day only. Thereafter, a penalty of \$150 per day, per cited violation, shall be assessed until the deficiency is corrected.
  - (1) For purposes of Sections 86554(e) and (f), a regulation subsection is the regulation denoted by a lower-case letter after the main regulation number. An example of the same regulation subsections are Sections 87218(a)(2) and 87218(a)(5). Sections 87218(a) and (b) are not the same regulatory subsection.



**86554      PENALTIES (Continued)****86554**

- (g) If any deficiency is not corrected by the date specified in the notice of deficiency, a penalty shall be assessed for each day following that date until compliance has been demonstrated.
- (1) Immediate penalty assessment as specified in Sections 86554(e), (f) and (g) above, shall begin on the day the deficiency is cited.
- (h) If a licensee or his/her representative reports to the licensing agency that a deficiency has been corrected, the penalty shall cease as of the day the Department receives notification that the correction was made.
- (1) If the deficiency has not been corrected, civil penalties shall continue to accrue from the date of the original citation.
- (2) If it can be verified that the correction was made prior to the date of notification, the penalty shall cease as of that earlier date.
- (i) If necessary, a site visit shall be made immediately or within five working days to confirm deficiency has been corrected.
- (j) When an immediate penalty has been assessed pursuant to this section and correction is made when the evaluator is present, a follow-up visit is not required.
- (k) If an immediate civil penalty is assessed, and the deficiency is corrected on the same day, the penalty shall still be assessed for that day.
- (l) Unless otherwise ordered by the Department all penalties are due and payable upon receipt of notice for payment, and shall be paid only by check or money order made payable to the agency indicated on the notice.
- (m) The licensing agency shall have the authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (l) above.

NOTE: Authority Cited: Sections 1530 and 1548, Health and Safety Code. Reference: Sections 1516, 1522, 1534, and 1548, Health and Safety Code.

**86555 ADMINISTRATIVE REVIEW****86555**

- (a) A licensee or his/her representative shall have the right to request a review of a notice of deficiency and/or notice of penalty within 10 working days of receipt of such notice(s).
  - (1) If the deficiency has not been corrected, civil penalties shall continue to accrue during the review process.
- (b) The review shall be conducted by Department management.
- (c) If the reviewer determines that a notice of deficiency or notice of penalty was not issued or assessed in accordance with applicable statutes and regulations of the Department, or that other circumstances existed, he/she shall have the authority to amend or dismiss the notice.
- (d) The reviewer shall have the authority to extend the date specified for correction of a deficiency if warranted by the facts or circumstances presented to support a request for extension.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1516 and 1534, Health and Safety Code.

**86555.1 DENIAL OR REVOCATION OF A LICENSE FOR FAILURE TO PAY CIVIL PENALTIES****86555.1**

- (a) The licensee shall be responsible for paying civil penalties.
  - (1) Unless otherwise provided, the transfer, surrender, forfeiture or revocation of a license shall not affect the licensee's responsibility for paying any civil penalties accrued while the license was in effect.
- (b) The Department shall have the authority to deny or revoke any license for failure to pay civil penalty assessments.
  - (1) The Department shall have the authority to approve payment arrangements acceptable to the Department.
  - (2) The Department shall have the authority to approve the form of payment.
  - (3) The licensee's failure to pay civil penalty assessments pursuant to a payment plan approved by the Department may result in the denial or revocation of any license, and/or any other appropriate action.
- (c) Any denial or revocation of the license for failure to pay civil penalties may be appealed as provided by Health and Safety Code Section 1551.

NOTE: Authority Cited: Sections 1530 and 1548, Health and Safety Code. Reference: Sections 1516, 1522, 1534, 1548, and 1551, Health and Safety Code.

**86558 UNLICENSED FACILITY PENALTIES****86558**

- (a) A penalty of \$200 per day shall be assessed for the operation of an unlicensed facility under either of the following conditions:
- (1) The operator has not submitted a completed application for licensure within 15 calendar days of issuance of the Notice of Operation in Violation of Law pursuant to Section 86506, and continues to operate.
    - (A) For purposes of this section, an application shall be deemed completed if it includes the information required in Section 86518.
    - (B) The completed application shall be deemed to be submitted when received by the licensing agency.
  - (2) Unlicensed operation continues after denial of the initial application.
    - (A) Notwithstanding any appeal action, facility operation must cease within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.
- (b) The \$200 per day penalty shall be assessed for the continued operation of an unlicensed crisis nursery as follows:
- (1) On the 16th calendar day after the operator has been issued the Notice of Operation in Violation of Law, and has not submitted a completed application as required.
    - (A) The \$200 per day penalty shall continue until the operator ceases operation, or submits a completed application pursuant to Sections 86558(a)(1)(A) and (B).
  - (2) Within 10 calendar days of the mailing of the notice of denial or upon receipt of the denial notice by the operator, whichever occurs first.
    - (A) The \$200 per day penalty shall continue until the operator ceases operation.
- (c) If the unlicensed operator or his/her representative reports to the licensing agency that unlicensed operation, as defined in Section 1503.5 of the Health and Safety Code, has ceased, the penalty shall cease as of the day the licensing agency receives the notification.
- (1) A site visit shall be made immediately or within five working days to verify that the unlicensed crisis nursery operation has ceased.

**86558 UNLICENSED FACILITY PENALTIES (Continued)****86558**

- (2) Notwithstanding (c) above, if the unlicensed crisis nursery operation has not ceased, penalties shall continue to accrue without interruption from the date of initial penalty assessment.
- (d) All penalties shall be due and payable upon receipt of the Notice for Payment from the licensing agency, and shall be paid by check or money order made payable to the licensing agency indicated on the notice.
- (e) The licensing agency shall have the authority to file a claim in a court of competent jurisdiction or to take other appropriate action for failure to pay penalties as specified in (d) above.
- (f) Payment of civil penalties or application for licensure in response to a citation under this section do not permit the operation of a crisis nursery without a license.

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**HANDBOOK BEGINS HERE**

Section 1508 of the Health and Safety Code states in part:

"No person, firm, partnership, association, or corporation within the state and no state or local public agency shall operate, establish, manage, conduct, or maintain a community care facility in this state, without a current valid license therefore as provided in this chapter."

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**HANDBOOK ENDS HERE**

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NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1503.5, 1508, 1516, 1520, 1533, 1538, 1540, 1540.1, 1541, 1547, and 1549, Health and Safety Code.

**86559 UNLICENSED FACILITY ADMINISTRATIVE APPEAL****86559**

- (a) An unlicensed crisis nursery operator or his/her representative shall have the right to appeal the penalty assessment within 10 working days after service of the penalty assessment.
  - (1) If the unlicensed crisis nursery operation has not ceased, the \$200 per day penalty shall continue to accrue during the appeal process.
- (b) The appeal review shall be conducted by Department management.
- (c) If the reviewer of the appeal determines that the penalty assessment was not issued in accordance with applicable statutes and regulations of the Department, he/she shall have the authority to amend or dismiss the penalty assessment.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1503.5, 1508, 1516, 1547, and 1548, Health and Safety Code.

**Article 6. CONTINUING REQUIREMENTS****86561 REPORTING REQUIREMENTS****86561**

- (a) Each licensee or applicant shall furnish to the licensing agency reports as required, including, but not limited to, those specified in this section.
- (b) Upon the occurrence, during the operation of the crisis nursery, of any of the incidents specified in (1) below, a report shall be made to the Department within the next working day during normal business hours. In addition, a written report containing the information specified in (2) below shall be submitted to the licensing agency within seven days following the occurrence of such incident.
  - (1) Incidents reported shall include the following:
    - (A) Death of any child from any cause.
    - (B) Death of any child as a result of injury, abuse, or other than natural causes, regardless of where the death occurred. This includes a death that occurred outside the crisis nursery for example in route to or from a hospital, or visiting away from the crisis nursery.
      - 1. The licensee shall obtain a certified copy of the child's death certificate as soon as it is available, maintain it in the child's file, and shall send a copy to the Department as soon as it is obtained.
    - (C) Any injury to any child which requires medical treatment.
    - (D) Any unusual incident or child absence which threatens the physical or emotional health or safety of any child.
    - (E) Any suspected physical or psychological abuse of any child.
    - (F) Epidemic outbreaks.
    - (G) Poisonings.
    - (H) Catastrophes.
    - (I) Fires or explosions which occur in or on the premises.
  - (2) Information provided shall include the following:
    - (A) Child's name, age, sex, and date of admission.
    - (B) Date and nature of incident.

**86561 REPORTING REQUIREMENTS (Cont.)****86561**

- (C) Attending physician's name, findings, and treatment, if any.
- (D) Disposition of the case.
- (c) All crisis nursery personnel, licensees, caregivers, and volunteers are required to report suspected child abuse or neglect to a child protective agency, law enforcement agency, and the licensing agency in accordance with Penal Code Section 11164 et seq.
  - (1) All crisis nursery personnel, licensees, caregivers, and volunteers shall sign a statement at the time of employment acknowledging their reporting responsibilities.
- (d) The items below shall be reported to the licensing agency within 10-working days following the occurrence.
  - (1) The organizational changes specified in Section 86534.
  - (2) Any change in the licensee's or applicant's mailing address.
  - (3) Any change of the chief executive officer of a corporation or association.
    - (A) Such notification shall include the new chief executive officer's name and address.
    - (B) Fingerprints shall be submitted as specified in Section 80019(d).
  - (4) Any changes in the plan of operation which affect the services to children.
- (e) The items specified in Sections 86561(b)(1)(A) through (G) above shall also be reported to the client's authorized representative, if any.
- (f) The items specified in Sections 86561(b)(1)(D) through (F) above shall also be reported to the local health officer when appropriate pursuant to Title 17, California Administrative Code, Sections 2500, 2502 and 2503.

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**HANDBOOK BEGINS HERE**

- (1) Title 17, California Administrative Code, Section 2500 requires:

"It shall be the duty of every physician, practitioner, dentist, coroner, every superintendent or manager of a dispensary, hospital, clinic, or any other person knowing of or in attendance on a case or suspected case of any of the following diseases or conditions, to notify the local health authority immediately. A standard type report form has been adopted and is available for this purpose.

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**HANDBOOK CONTINUES**

## 86561 REPORTING REQUIREMENTS (Continued)

86561

## HANDBOOK CONTINUES

Amebiasis	Meningitis, Viral
Anthrax	Meningococcal Infections
Botulism	Mumps
Brucellosis (Undulant Fever)	Paratyphoid Fever, A, B and C
Chancroid	(See Salmonella infections)
Cholera	Pertussis (Whooping Cough)
Coccidioidomycosis	Plague
Conjunctivitis, Acute	Poliomyelitis, Paralytic
Infectious of the Newborn	Psittacosis
(Gonorrheal Ophthalmia,	Q Fever
Ophthalmia Neonatorum,	Rabies, Human or Animal
and Babies' Sore Eyes in	Relapsing Fever
first 21 days of life)	Rheumatic Fever, Acute
Dengue	Rocky Mountain Spotted Fever
Diarrhea of the Newborn	Salmonella, Infectious
Diphtheria	(exclusive of Typhoid Fever)
Disorders Characterized by	Scarlet Fever
Lapses of Consciousness	Shigella Infections
Dysentery, Bacillary (See	Smallpox (Variola)
Shigella infections)	Streptococcal Infections,
Encephalitis, viral	hemolytic (including Scarlet
Food poisoning (other	Fever, and Streptococcal Sore
than Botulism)	Throat)
German Measles (Rubella)	Syphilis
Gonococcal Infections	Tetanus
Granuloma Inguinale	Trachoma
Hepatitis, Infectious (A)	Trichinosis
Hepatitis, Serum (B)	Tuberculosis
Hepatitis, unspecified	Tularemia
Hepatitis, Non-A, Non-B	Typhoid fever, cases and carriers
Leprosy (Hansen's Disease)	Typhus Fever
Leptospirosis (including	Viral Exanthem in Pregnant Women
Weil's Disease)	Yellow Fever
Lymphogranuloma Venereum	
(Lymphogranuloma Inguinale)	
Malaria	
Measles (Rubeola)	

## HANDBOOK CONTINUES

**86561 REPORTING REQUIREMENTS (Continued)****86561****HANDBOOK CONTINUES**

For outbreak reporting and reporting of occurrence of unusual and rare diseases see Sections 2502 and 2503.

- (2) Title 17, California Administrative Code, Section 2502 requires:

"Any person having knowledge of any outbreak or undue prevalence of infectious or parasitic disease or infestation whether or not listed in Section 2500, shall promptly report the facts to the local health officer, who shall investigate the circumstances and if he finds that an epidemic or undue prevalence does in fact exist, he shall report the outbreak to the Director of the State Department of Health Services. The following are examples of diseases, outbreaks of which are to be so reported:

Epidemic Gastroenteritis (other than food poisoning)	Influenza, Epidemic
Epidemic Keratoconjunctivitis	Pneumonia, Infectious
Fevers of unknown etiology	Ringworm
Infectious Mononucleosis	Staphylococcus Infections

- (3) Any person having knowledge of a case of an unusual disease not listed in Section 2500 shall promptly convey the facts to the local health officer. Examples are: glanders, herpangina, histoplasmosis, toxoplasmosis, echinococcosis, listeriosis, cat scratch fever, and rickettsialpox."

**HANDBOOK ENDS HERE**

- (g) The item specified in (b)(1)(I) shall also be reported immediately to the local fire authority. In areas not having organized fire services a report shall be made to the State Fire Marshal within 24 hours.
- (h) Licensees shall send copies of all substantiated complaints to parents, legal guardians, conservators, board members of the crisis nursery, child rights advocates or placement agencies, as designated in each child's placement agreement in accordance with Health and Safety Code Section 1538.5.